

SENATE BILL 3537

By Herron

AN ACT to amend Tennessee Code Annotated, Section 37-1-168; Section 37-1-173; Section 37-2-416 and Section 37-5-106, relative to foster care and other services provided by the department of children's services.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1 Tennessee Code Annotated, Section 37-1-168, is amended by deleting subsection (d) in its entirety and by substituting instead the following:

(d) If, in the judgment of the juvenile-family crisis intervention program, a juvenile-family crisis continues to exist despite the provision of crisis intervention services and the exhaustion of appropriate community services, then the juvenile-family crisis intervention program shall in writing or through sworn testimony certify to the juvenile court that there is no other less drastic measure than court intervention. The court may then proceed by accepting a petition or acting on a pending petition and hold a hearing to determine what is in the best interest of the child consistent with § 37-1-132 and any other applicable laws under this part.

SECTION 2. Tennessee Code Annotated, Section 37-1-173, is amended by deleting the section in its entirety.

SECTION 3. Tennessee Code Annotated, Section 37-2-416, is amended by deleting the section in its entirety and by substituting instead the following:

(a) The department shall notify the foster parents, if any, or any prospective adoptive parent or relative providing care for the child in state custody with notice of any review or hearing to be held with respect to the child. The foster parents, if any, of such a child and any prospective adoptive parent or relative providing care for the child shall be provided with notice of the right to be heard in any review or hearing to be held with

respect to the child, except that this section shall not be construed to require that any foster parent, prospective adoptive parent, or relative providing care for the child be made a party to such a review or hearing solely on the basis of such notice and right to be heard.

(b) At each hearing, the court shall determine whether the department has complied with this section.

SECTION 4. Tennessee Code Annotated, Section 37-5-106(a), is amended by adding the following new subdivisions, to be appropriately designated:

( ) Review the status of any person who has reached the age of eighteen (18) who was in the legal custody of the department and whose last commitment was based on an adjudication of dependent and neglected, unruly or in need of services pursuant to § 37-1-175 to determine if the person should receive services from the department in order to complete high school or other educational training or for the purpose of receiving other services. The department may provide services to the person who chooses to receive services from the department on a voluntary basis, subject to funding availability, budgetary constraints and compliance with department policy;

( ) Review the status of any person who has reached the age of nineteen (19) who was in the legal custody of the department and whose last commitment was based on an adjudication of delinquency to determine if the person should receive services from the department in order to complete high school or other educational training or for the purpose of receiving other services. The department may continue to provide services to the person who chooses to receive services from the department on a voluntary basis, subject to funding availability, budgetary constraints and compliance with department policy.

SECTION 5. This act shall take effect on July 1, 2008, the public welfare requiring it.

